	Application No.	Applicant(s)	
Notice of Allowability	09/629,170	MATSKO, MICHAEL J.	
	Examiner	**Art Unit**	
	Beth Van Doren	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address*--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *communications received 08/*.

2. ☒ The allowed claim(s) is/are *1-3,6-8,13-19 and 23-26*.

3. ☒ The drawings filed on *2/26/01* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
           International Bureau (PCT Rule 17.2(a)).
    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
        Paper No./Mail Date _____.
    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *20050301* .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____ .

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

1.   The following action is a response to communications received 08/10/04. Claims

1, 6, and 16 have been amended. Claims 23-26 have been added. A terminal disclaimer

was received on 03/01/05. This action includes an examiner's amendment and reasons

for allowance. Attorney approved amendment to claim 26 by way of Examiner's

amendment in a telephonic interview on 02/23/05. Claims 1-3, 6-8, 13-19, and 23-26 are

pending in this application and are allowed.

Examiner's Amendment

2.   An examiner's amendment to the record appears below. Should the changes be

unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312.

To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with Joseph Agusta on February 23, 2005. The application has been amended as follows:

In the claims:

        26.   A method for evaluating the performance of a cashier operating a point of

sale (POS) station, the method comprising:

        recording an entry record into memory of the POS station at the beginning of a

transaction, the entry record having a timestamp;

        receiving <u>computer data indicative of</u> at least two events within a time period of

the transaction, one event having scanner information in response to the cashier scanning

a first item with a scanner, the other event having weight information in response to the

cashier using a scale to weigh a second item;

     capturing individual timing information for at least two retail performance metrics

including the time elapsed waiting for and receiving the computer data, one retail

performance metric having the amount of time spent scanning the first item, the other

retail performance metric having the amount of time spent weighing the second item,

each retail performance metric having a product identifier;

     associating each retail performance metric record with the entry record; and

     storing the at least two retail performance metrics for utilization in evaluating the

performance of the cashier operating the POS station.

Reasons for Allowance

3.   Claims 1-3, 6-8, 13-19, and 23-26 are allowed.

4.   As per claims 1-3, 6-8, 13-19, and 23-25, the following is an examiner's

statement of reasons for allowance: None of the prior art of record, taken individually or

in any combination, teach, inter alia, receiving computer data indicative of an event

occurring at a point of sale (POS), recording an **entry record** into memory of the POS

including a **time stamp**, recording a retail performance metric record including a retail

performance metric of **the time elapsed waiting for and receiving the computer data,**

and utilizing this performance metric record to evaluate the performance of a cashier

operating the POS.

     The prior art references most closely resembling claims 1-3, 6-8, 13-19, and 23-

25 of the Applicant's claimed invention are O'Brien et al. (U.S. 6,495,809), Siefert (U.S.

6,047,261), Jones (U.S. 5,832,458), Engler et al. (U.S. 6,633,851), Frey et al. (U.S.

5,557,513), and Green (GB 2306025).

First, O'Brien et al. teaches a point-of-sale (POS) system that collects and filters

sales transaction data at POSs, the POSs connected to a store controller and remote server

that record the data. The system tracks each product sold using a product code that is

input into the POS by a cashier. The cashier inputs the code by scanning or through

manual entry if the code is missing or unreadable. The system also records data about

specific activities that occur during the sales process, such as voids, over-rings, manager

overrides, as well as cashier identification, activity indicator, and the date and time of the

activity to perform a cashier test that judges operator/cashier performance. However,

O'Brien et al. does not specifically disclose recording the retail performance metric of

time elapsed waiting for and receiving computer data indicating a POS event.

Second, Siefert discloses measuring the performance of a user's interaction with a

business terminal like a POS, and adjusting parameters of the terminal to increase the

performance of the user. A user profile is created containing the parameters that obtain

the best performance for each worker. Measurements are then made of the workers

performance during actual business transactions. As an example, a long informational

message is displayed to the worker, requiring several seconds to be read. If the user starts

inputting long before the information could be read, the system adjusts to provide no

message or a brief message and tracks to see how the worker performed. Measurements

also include how long it takes the worker to input desired information, if the wrong keys

are pressed, etc. However, Siefert does not discuss recording an entry record into

memory of the POS including a time stamp.

Third, Jones teaches monitoring a POS system and collecting a copy of each retail

sales transaction occurring at the POS. The transaction information includes the time of

day and date of the transaction, the UPC of the product involved (including overrides),

identification of the POS scanner/register at which the transaction occurred, scanning or

manual entry, a cashier identification code identifying the cashier operating the POS,

coupon redemptions (including overrides), voided purchases or transactions, etc. When

the transaction begins, a beginning record is written to the database, followed by activity

records concerning transaction information. This information is all stored in an audit

database, which later analyzes the information and compiles reports, such as a daily

cashier shift report, cashier habit reports (reflecting fast total transaction times and high

frequency of manual overrides), etc. However, Jones does not specifically discuss

recording a retail performance metric record including the retail performance metric of

the time elapsed waiting for and receiving the computer data.

Next, Engler et al. discusses collecting and collating information from POS data

sources in order to generate reports for any combination of stores and date ranges. POS

data is generated at multiple remote locations using a cash register, scanner, or other

device. The POS data is then transmitted to a central computing device, which processes

the data into custom reports. However, Engler does not discuss recording a retail

performance metric record including the retail performance metric of the time elapsed

waiting for and receiving the computer data and utilizing this record to specifically

evaluate the performance of a cashier.

Frey et al. discusses forecasting shopper traffic data to determine future lane

traffic and staffing requirements. Each shopper is recognized by the system and

randomly assigned a number of items for purchase and an estimated shopping time.

These factors are then used to perform simulations, the average of which is used to

predict staffing needs. While Frey et al. discloses determining timing records associated

with checkout lanes, Frey et al. does not discuss recording a retail performance metric

record including the retail performance metric of the time elapsed waiting for and

receiving the computer data and utilizing this record to specifically evaluate the

performance of a cashier.

Finally, Green discloses evaluating the performance of POS clerks by

categorizing the clerks into groups using various criteria, creating a display of the clerks

using visibly different identities, storing transaction information from the clerks with the

clerk identities, and displaying the transaction information. Each clerk identity may

comprise the clerk's name and the clerks may be categorized using the criteria of years of

experience. An evaluator at a host computer interacts with the display to determine the

performance of the clerks. However, Green does not disclose recording an entry record

into memory of the POS including a time stamp or recording a retail performance metric

record including a retail performance metric of the time elapsed waiting for and receiving

the computer data.

4.   As per claim 26, the following is an examiner's statement of reasons for

allowance: None of the prior art of record, taken individually or in any combination,

teach, inter alia, recording an **entry record** into memory of the POS at the beginning of

the transaction including a **time stamp**, receiving computer data indicative of at least two

events, a first event having scanner information and a second event having weight

information, and capturing individual timing information for at least two cashier retail performance metrics including **the time elapsed waiting for and receiving the computer data**, one retail performance metric having the amount of time spent scanning the first item, the other retail performance metric having the amount of time spent weighing the second item, each retail performance metric having a product identifier.

The prior art references most closely resembling claim 26 of the Applicant's claimed invention are O'Brien et al. (U.S. 6,495,809), Siefert (U.S. 6,047,261), Jones (U.S. 5,832,458), Engler et al. (U.S. 6,633,851), Frey et al. (U.S. 5,557,513), and Green (GB 2306025). The teachings of these prior art references are discussed fully above with regards to claims 1-3, 6-8, 13-19, and 23-25.

O'Brien et al. teaches a POS system that collects and filters sales transaction data, as set forth above. As per claim 26, O'Brien et al. does not specifically disclose capturing individual timing information for retail performance metrics including the time elapsed waiting for and receiving the computer data.

Siefert discloses measuring the performance of a user's interaction with a POS, as discussed above. However, Siefert does not discuss recording an entry record into memory of the POS at the beginning of the transaction including a time stamp or either weighing or scanning events.

Jones teaches monitoring a POS system and collecting retail sales transaction information, as set forth above. However, Jones does not specifically discuss capturing individual timing information for retail performance metrics including the time elapsed waiting for and receiving the computer data.

Engler et al. discusses collecting and collating information from POS data sources

to generate reports, as discussed above. However, Engler does not capture individual

timing information for retail performance metrics including the time elapsed waiting for

and receiving the computer data.

Frey et al. discusses forecasting shopper traffic data to determine future lane

traffic and staffing requirements, as discussed above. However, Frey et al. does not

capturing individual timing information for cashier retail performance metrics including

the time elapsed waiting for and receiving the computer data.

Finally, Green discloses evaluating the performance of POS clerks using a

display, as set forth above. However, Green does not capture individual timing

information for the retail performance metrics of time elapsed waiting for and receiving

the computer data.

Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement for Reasons for Allowance".

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Matsko et al. (U.S. 6,792,394) teaches a POS system related to this application.

Engler et al. (U.S. 2004/0049465) teaches generating customer reports based on

information received from POSs.

Houser et al. (U.S. 4,930,093) discloses measuring response time performance at a terminal.

Green et al. (WO 97/13229) teaches evaluating the performance of POS clerks.

Kobayashi et al. (JP 06214832) discloses logging information consisting of time, session number, etc. and performing performance evaluation on a worker of a terminal.

NCR Corporation ("High Performance Merchandising and Marketing") discloses tracking POS data.

"NCR and Software 4 Retail Solutions Announce Alliance" (PR Newswire) discloses a system for aiding POS functions and performing detailed performance history and cashier balanacing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

ewd

bvd
September 2, 2003

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